

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:	)	
	)	
MELINDA EBEL,	)	Bankruptcy Case No. 05-42646
KATHLEEN SCHEEL,	)	Bankruptcy Case No. 06-40653
ANTHONY CHAMBLISS,	)	Bankruptcy Case No. 06-40802
JOHNSON'S SIDING &	)	
REPLACEMENT WINDOWS, INC.,	)	Bankruptcy Case No. 06-41008
CHARLES BURNHAM and	)	
KIMBERLY BURNHAM,	)	Bankruptcy Case No. 06-41087
	)	
Debtors.	)	Chapter 7

OPINION

These matters having come before the Court for a hearing on the Objection to Exhibits filed by William Wells and a continued hearing on the United States Trustee's Motion for Status Conference and William Wells' Motion to Reconsider; the Court, having heard arguments of counsel and being otherwise fully advised in the premises, finds as follows:

On August 20, 2007, the Court held a hearing on William Wells' Motion to Reconsider this Court's Order of July 18, 2007, and on the Motion for Status Conference filed by the United States Trustee. In addition to hearing the arguments of the parties on their pending motions, the Court identified nine documents that had been submitted to the Court by several attorneys and Chapter 7 Trustee Dana Frazier. The nine documents were marked Exhibit Nos. 1 through 9 for identification. The documents were distributed to the parties present on August 20, 2007, including counsel for William Wells, Spencer Desai.

A review of the nine exhibits identified in Court on August 20, 2007, led the Court to conclude that the issues raised by those documents could be germane to the Court's ruling on William Wells' Motion to Reconsider and the Motion for Status Conference of the United States Trustee. As such, the Court took the Motions under advisement and rescheduled a hearing for September 28, 2007, to afford William Wells an opportunity to respond to the nine exhibits and argue any objections that he might have to admitting these documents into evidence for the Court's consideration in this matter.

On September 24, 2007, William Wells' filed a written Objection to Exhibits in which he objected to admission of all nine exhibits and also objected to a Notice of Submission of Matthew Benson dated September 10, 2007, filed subsequent to the August 20, 2007, hearing. Counsel for William Wells stood on his written Objection to Exhibits, following which the Court entered its ruling on each exhibit on the record. In considering Exhibit Nos. 5, 7, 8, and 9, the Court concluded that further hearing was necessary for the purpose of taking testimony from the individuals who had filed affidavits with the Court, including Affiants Jason Lewis, Mary Abrahamson, and Margie Harris. The evidentiary hearing on these matters is scheduled for December 10, 2007.

It was initially the Court's intent to delay final ruling on William Wells' Motion to Reconsider and the Motion for Status Conference of the United States Trustee until after the December 10, 2007, evidentiary hearing. However, upon further review, the Court finds that, while the issues and facts raised in the exhibits and submissions set for hearing on December 10, 2007, may be relevant to William Wells' compliance, or lack thereof, with this Court's Order of July 18, 2007, they are not necessary to a final ruling on the Motion to Reconsider and the Motion for Status Conference. For this reason, the Court finds that a final hearing will be held on the Motion to Reconsider of William Wells and the Motion for Status Conference of the United States Trustee on October 29, 2007, at 9:00 a.m., in the Melvin Price Federal Building and U. S. Courthouse, 750 Missouri Avenue, East St. Louis, at which time the parties may present any further arguments they may have in support of their Motions. The Court will also use the October 29, 2007, hearing to further review the status of William Wells' compliance with the July 18, 2007, Order. The Court will enter a written final ruling on the Motion to Reconsider and the Motion for Status Conference shortly after the October 29, 2007, hearing to alleviate any further delay in the progress of these proceedings.

ENTERED: October 3, 2007.

/s/Gerald D. Fines  
GERALD D. FINES  
United States Bankruptcy Judge